

PETER C. HARVEY
ATTORNEY GENERAL OF NEW JERSEY
Division of Law - 5th Floor
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101

By: Jeri L. Warhaftig
Deputy Attorney General
973-648-7457

FILED

September 23, 2003

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

NUNC PRO TUNC July 9, 2003

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE LICENSE OF

Administrative Action

DAVID BAIRD, M.D.

:

CONSENT ORDER

TO PRACTICE MEDICINE & SURGERY
IN THE STATE OF NEW JERSEY

This matter was most recently opened to the State Board of Medical Examiners ("Board") upon consideration of Dr. Baird's appearance before the Preliminary Evaluation Committee ("PEC") of the Board on June 4, 2003. The file in this matter reflects that in June of 2000 Dr. Baird's license to practice medicine was reinstated on a limited basis after an extended period of revocation. The June 2003 committee appearance was necessitated by concern that Dr. Baird may have engaged in the practice of medicine in a manner which violated the June 2000 limitations and/or that he

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may have ceased to be compliant with the requirements of the Physicians Health Program.

In pertinent part, the June 2000 Order of **Reinstatement** required that the doctor obtain **the** Board's **approval** prior to commencing any position entailing the practice of medicine within **the State** of New Jersey. Further, the Order of Reinstatement required that the doctor **participate** in a therapeutic program under the auspices of the Physicians Health Program of the Medical Society of New Jersey ("PHP"). The doctor **was** on notice that therapeutic sessions with the Board-approved therapist must **occur** twice weekly and last a minimum of 50 minutes. **Investigative** materials **reviewed** by the Board seem **to indicate** that Dr. Baird had begun employment in the State of New **Jersey** absent Board approval and that he had become erratic in his attendance at therapy sessions with Dr. Pedigo, the Board approved therapist.

The doctor appeared and testified under oath. At the **time** of his appearance he **provided** the Committee with a **letter** from his employer Khashayar Salartash, M.D. of the Center for **Venus** and Lymphatic Disorders. That letter confirmed that Dr. Baird had been **employed by** the Center since **December** 2002 as a "Lymph **Edema** Therapist" a position which does not require a **medical** license and does not entail the practice of medicine. Dr. Baird discussed his employment with the committee at length and the Committee and the Board are satisfied that the doctor has not violated the

requirement that he **obtain** Board **approval** prior to commencing the practice **of** medicine **in** New Jersey. Dr. Baird expressed his **desire** to ultimately undertake the practice of medicine in conjunction with the Center. **He** has not **yet** asked for such permission from the Board and Board does not **take** a position with regard to **approval** or disapproval of this place of employment.

Dr. Baird testified that **his** attendance **at** sessions with Dr. **Pedigo** has been complicated by his lengthy commute from his home in Lansdale, Pennsylvania to his two work sites in New Jersey and the need to see Dr. Pedigo in his Philadelphia office. It appears to **the** Board that despite correspondence from the Board office to Dr. Baird emphasizing the **need** for sessions to continue on a twice weekly/50 **minute** per **session** basis, he has unilaterally **decreased** the number of sessions on occasion due to what he considered to **be** **more pressing** family needs. This **was** not done with the Board's consent and **is** not **acceptable** to the Board. Nonetheless, it **appears** that Dr. Baird decreased his **sessions** in an effort to meet family commitments **and** not **in** an effort to avoid the limitations placed on his license. Similarly, although the Board has received reports from the PHP indicating that Dr. Baird has **been** noncompliant **by** virtue of his erratic attendance at scheduled meetings, the Board **is** willing to accept that Dr. Baird's behavior stemmed from commitments to **work** and family and were not indicative of any intention to avoid PHP **supervision**. Nonetheless, from this

Order forward **the** onus is **on** Dr. Baird to ensure that both **Dr.** Pedigo and Dr. Baxter (Executive Medical Director of the PHP) are **kept apprized** of his schedule and that he routinely attends appointments with Dr. Pedigo and the **PHP** representative without exception absent **emergent** circumstances. The Board finding the within Order to **be** adequately protective of **the** public health Safety and Welfare,

It is on this 23rd day of September , 2003

ORDERED AND **AGREED:**

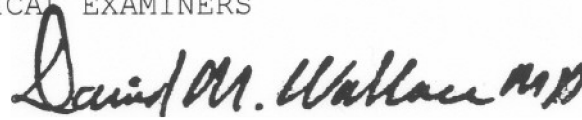
1. The license **issued** to David Baird, M.D. remains subject to the limitations imposed by the Board **Order** of **June** 2000.
2. Dr. Baird shall immediately resume **monthly** face-to-face meetings with **a** representative **of** the Physicians Health Program on *a* schedule that is mutually **established**.
3. Dr. Baird shall meet with Dr. Pedigo two times a week for a minimum of **50 minutes** each **time**.
4. Dr. Baird's cancellation of any appointment with Dr. Pedigo or with a PHP representative shall be permitted only in an **emergency** and upon **specific** permission from Dr. Baxter or his **representative**.
5. Any failure to **appear** for **an appointment** which was not **approved** in advance by Dr. Baxter shall be reported **to** the **Board** (by Dr. Baxter or Dr. Pedigo) within forty-

eight hours **and shall be** considered a violation of this **Order.**

6. The purpose of this Order is to **reiterate** the existing limitations and to clarify **the terms** of the doctor's participation with **the** PHP and **the** therapeutic component of his limitation. This Order is non-disciplinary in nature.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

By:



David M. Wallace, M.D.
Board President

I have read and understood
the foregoing Order and **agree** to be
bound by its term.



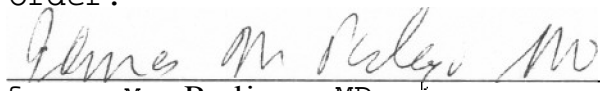
David Baird, M.D.

Consented to on behalf of the Physicians
Health Program:



Louis Baxter, MD
Executive Medical Director

I have **been** provided with a copy of this
Order.



James M. Pedigo, MD